

REMARKS

In response to the Office Action dated September 28, 2007, Applicants respectfully request reconsideration based on the above amendments and the following remarks.

Applicants respectfully submit that the claims as presented are in condition for allowance.

Claims 1 and 3-14 were rejected under 35 U.S.C. § 103 as being unpatentable over Olson in view of Ma. This rejection is traversed for the following reasons.

Claim 1 recites an architecture that is not taught in either Olson or Ma. Claim 1 recites, *inter alia*, “at a content selection computer querying first and second network computers to determine an amount of available memory in first and second memory storage devices associated with the first and second network computers; the content selection computer sending the amount of available memory in first and second memory storage devices to a data distribution computer; at the data distribution computer querying third and fourth network computers to determine an amount of available memory in third and fourth memory storage devices associated with the third and fourth network computers; receiving the digital media data from a content service provider computer and partitioning the digital media data into a plurality of digital media data sets.” An exemplary arrangement of the content selection computer, data distribution computer and content service provide computer is depicted in Figure 1.

Olson teaches a PC 26 and a PVR 10 communicating via a network 16. Other storage devices 22 and 24 are on the network 16. Olson fails to teach, however, the content selection computer, data distribution computer and content service provide computer of claim 1. Ma was relied upon for teaching encrypting media signals, but fails to cure the deficiencies of Olson. Ma teaches a wireless network, but lacks the content selection computer, data distribution computer and content service provide computer as recited in claim 1. Thus, even if Olson and Ma are combined, the elements of claim 1 do not result.

For at least the above reasons, claim 1 is patentable over Olson in view of Ma. Claims 3-7 variously depend from claim 1 and are patentable over Olson in view of Ma for at least the reasons advanced with reference to claim 1.

Claims 8 and 14, as amended, recite features similar to those discussed above with reference to claim 1 and are patentable over Olson in view of Ma for at least the reasons

advanced with reference to claim 1. Claims 9-13 depend from claim 8 are considered patentable for at least the same reasons.

Claim 2 was rejected under 35 U.S.C. § 103 as being unpatentable over Olson in view of Ma and Boston. This rejection is traversed for the following reasons.

Boston was relied upon for allegedly disclosing a PVR that receives a memory storage value associated with a program, but fails to cure the deficiencies of Olson in view of Ma discussed above with reference to claim 1. Claim 2 depends from claim 1 and is patentable over Olson in view of Ma and Boston for at least the reasons advanced with reference to claim 1.

In view of the foregoing remarks and amendments, Applicants submit that the above-identified application is now in condition for allowance. Early notification to this effect is respectfully requested.

If there are any charges with respect to this response or otherwise, please charge them to Deposit Account 06-1130.

Respectfully submitted,

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